

Appl. No. 09/804,620
Amdt. sent March 17, 2005
Reply to Office Action of November 18, 2004

PATENT

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 14. This sheet, which includes Fig. 14, replaces the original sheet including Fig. 14.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-10, 13-18, and 21-27 are currently pending. Claims 1-3, 5-10, and 13-18 have been amended. Claims 11-12 and 19-20 have been canceled. Claims 21-27 have been added. No new matter have been added. Support for the amended and the new claims may be found in the application as originally filed at pages 14, lines 11-20, and pages 20-21.

The Examiner has requested that Applicants provide a new title that is clearly indicative of the invention to which the claims are directed. The title has been amended to address the Examiner's concerns.

The disclosure at line 28 of page 11 is objected to for informal typographical issues. The paragraph containing line 28 of page 11 has been amended to address the objection.

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter. Specifically, claim 18 recites "initializing" of the event data. However, "initializing" is not properly defined in the specification. Claim 18 has been amended to address this objection. Specifically, claim 18 has been amended to recite, "programming a current date, a current time, a current device and a current channel for a media event into said electronic system." Support for this amendment may be found in the specification as originally filed at page 17, lines 24-28.

Fig. 14 is objected to as the decision box "Is TV On?" has two "Yes" outputs and no "No" output. In the formal figures submitted to the Patent Office on June 7, 2001, the "No" output was inadvertently changed to a "Yes" output. The replacement drawing sheet submitted herewith corrects the inadvertent change.

Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending U.S. Patent Application No. 09/804,619. Applicants defer response to the obviousness-type double patenting rejection until the claims of the instant application are allowed so that determination may be made whether the rejection will stand.

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Darbee et al. (U.S. Patent No. 6,130,726).

Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Darbee in view of Alexander (U.S. Patent No. 6,177,931).

Claim 1 as amended is not anticipated by Darbee as Darbee fails to disclose every limitation recited in amended claim 1. Darbee, as understood, discusses a remote control configured to obtain and store in memory, data indicative of the viewing habits of one or more users. The data stored may include a date stamp, a time stamp, and/or channel information. The Darbee remote control is configured to transfer the collected data to a personal computer or a set-top converter box that in turn transfers the data to a content provider or host system on the Internet to collect tailored programming, advertising or the like. See Darbee at col. 10, lines 12-45. As the Darbee remote control is configured to transfer data to a personal computer and/or a set-top converter box, and is not configured to transfer data to the content provider or host system on the internet, the Darbee remote control is not “web enabled,” and certainly is not configured to transfer said event data for each said media event to said control station via a network connection, as recited in amended claim 1. For at least this reason, Darbee fails to anticipate amended claim 1.

Independent claims 10 and 18 have been amended to recite similar limitations as those of claim 1 distinguished from Darbee above. Therefore, for at least the same reasons that Darbee fails to anticipate amended claim 1, Darbee also fails to anticipate claims 10 and 18. Alexander fails to make up for the deficiencies of Darbee. Specifically, Alexander, as understood, describes a remote control that is configured to control an electronic programming guide (EPG) that is configured for display on a television display screen. See Alexander at col. 3, lines 1-35. The television is configured for communication with the Internet for collecting the EPG. See Alexander at col. 8, lines 36-45. As the Alexander television, and not the Alexander remote control, is configured to communicate with the Internet, Alexander fails to describe a remote control that is “network enabled” and certainly fails to describe a remote control that is configured to transfer said event data for a media event to a control station “via a network communication link,” as recited in each of amended claims 10 and 18. For at least this reason, Alexander fails to make up for the deficiencies of Darbee. Therefore, Darbee and Alexander fail to anticipate either amended claim 10 or amended claim 18.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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Attachments: Replacement Sheet
Annotated Sheet Showing Changes
Unmarked Claim Set

RCL:cm
60377102 v1

Unmarked Claim Set

1. (Currently Amended): A passive media content access system, comprising:
a housing;
an electronic system disposed in said housing and configured to store event data relating to a plurality of media events, wherein said event data for each media event includes information for a current time, a current date, a current device, and/or a current channel associated with said media event; and
a communication device disposed in said housing and electronically coupled to said electronic system, said communication device being web enabled and configured to transfer said event data for each said media event to said control station via a network connection,
wherein said control station is configured to analyze said event data for at least one user behavior pattern, and provide predictive information, which is based on said user behavior pattern, to said electronic system via said network connection with said communication device for automatic control of one or more user electronic systems by said electronic system.
2. (Currently Amended): The passive media content access system of Claim 1, further including an input device configured to accept user input for controlling said electronic system and said one or more user electronic systems, wherein said electronic system is configured to store the event data based on said user input.
3. (Currently Amended): The passive media content access system of Claim 2, wherein said input device includes a display.
4. (Original): The passive media content access system of Claim 3, wherein said electronic system is capable of receiving user preference data relating to personal preferences.
5. (Currently Amended): The passive media content access system of Claim 4, wherein said control station is configured to communicate with a plurality of programming stations via the network connection for receiving said predictive information.

6. (Currently Amended): The passive media content access system of Claim 5, wherein said control station is configured to compare said event data to said media event information to determine a type of information to send to said user.

7. (Currently Amended): The passive media content access system of Claim 6, wherein said control station is programmable by said user to include information for said personal preferences.

8. (Currently Amended): The passive media content access system of Claim 7, wherein said personal preferences include information related to said media event.

9. (Currently Amended): The passive media content access system of Claim 8, wherein said communication device is configured to communicate with said control station via a network.

10. (Currently Amended): A method of using a passive media content access system having an electronic system with a communication device and an input device, wherein said communication device is in communication with a control station, said method comprising the steps of:

changing a device setting relating to a media event;

logging an event data within said electronic system, wherein said event data is comprised of a current date, a current time, a current device, and/or a current channel that is associated with a media event consumed by a user at substantially the time of said logging of said event data;

transferring said event data to said control station from said communication device, which is network enabled, via a network communication link;

determining an identity of said media event from said event data;

determining whether information is available regarding said media event; and
providing said available information to said user.

11 - 12. (Canceled)

13. (Currently Amended): The method of using a passive media content access system of Claim 10, wherein the step of providing includes transferring said available information to said communication device via said web communication link.

14. (Currently Amended): The method of using a passive media content access system of Claim 13, wherein the step of providing includes sending an e-mail containing said available information to a computer that is associated with said user.

15. (Currently Amended): The method of using a passive media content access system of Claim 10, including the step of:

providing available information depending upon predefined user preferences.

16. (Currently Amended): The method of using a passive media content access system of Claim 10, including the steps of:

determining at least one favorite media event based on said event data; and

setting a reminder for said at least one favorite media event to alert a user of said at least one favorite media event.

17. (Currently Amended): The method of using a passive media content access system of Claim 10, including the steps of:

determining at least one favorite media event based on said event data;

determining whether proper device states are in effect for at least one external electronic device for consumption of said at least one favorite media event; and

if said proper device state are not in effect, switching said at least one external electronic device to a proper device state for consumption of said at least one favorite media event.

18. (Currently Amended): A method of using a passive media content access system having an electronic system with a communication device and an input device, wherein said communication device is configured to communicate with a control station, said method comprising the steps of:

programming a current date, a current time, a current device, and a current channel for a media event into said electronic system;

changing a device setting of at least one electronic device for consumption of another media event;

logging an event data within said electronic system, wherein said event data is comprised of a current date, a current time, a current device, and/or a current channel that is associated with said other media event;

transferring said event data to said control station from said communication device, which is network enabled, via a network communication link;

determining an identity of said media event from said event data;

determining whether information is available regarding said media event; and
providing said available information to said user.

19 - 20. (Canceled)

21. (New) The passive media content access system of claim 1, wherein said event data includes a length of time one or more of said media events is consumed by a user.

22. (New) The passive media content access system of claim 1, wherein said event data includes a number of times the user has consumed select media events of a select media event type.

23. (New) The passive media content access system of claim 22, wherein if said number is greater than or equal to a threshold number, said electronic system and/or said control system is configured recognize a user behavior pattern for said event data.

24. (New) The passive media content access system of claim 1, wherein if said user behavior pattern is recognized, said predictive information is configured to include instructions for said automatic control of said one or more user electronic systems.

25. (New) The passive media content access system of claim 1, wherein said user electronic systems includes a television, a video cassette recorder, and/or a stereo.

26. (New) The method of using a passive media content access system of Claim 18, including the steps of:

determining at least one favorite media event based on said event data; and
setting a reminder for said at least one favorite media event to alert a user of the broadcasting said at least one favorite media event.

27. (New): The method of using a passive media content access system of Claim 18, including the steps of:

determining whether proper device states are in effect for at least one external electronic device for consumption of said at least one favorite media event; and

if said proper device state are not in effect, switching said at least one external electronic device to a proper device state for consumption of said at least one favorite media event.

